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FACSIMILE TRANSMITTAL FORM

TO: Group Art Unit 3738  
Examiner Javier G. Blanco DATE: January 31, 2005  
COMPANY: United States Patent and Trademark Office  
FACSIMILE NO.: 703-872-9302  
FROM: Charles W. Agnew NO. OF PAGES 5  
(including this cover sheet).

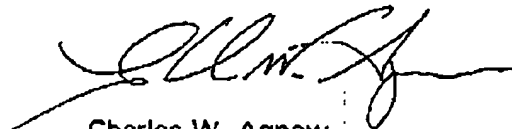
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In Re Application of: Obermiller et al.  
Atty. Docket No.: PA-5213-CIP-CON  
Serial No.: 10/721,582 Group Art Unit: 3738  
Filed: November 26, 2003 Examiner: Javier G. Blanco  
Title: IMPLANTABLE VASCULAR DEVICE

Please enter and make of record the enclosed amendment to application Serial No. 10/721,582. The following documents are enclosed with this transmission:

Transmittal of Response to Election/Restriction Requirement (2 pages)  
Response to Election/Restriction Requirement (2 pages)

  
Charles W. Agnew  
Registration No. 44,497  
(812) 330-1824

Customer Number  
**9896**  
(812) 330-1824 (phone)  
(812) 330-9049 (fax)

Serial No. 10/721,582

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CERTIFICATION OF FACSIMILE TRANSMISSION	
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<u>January 31, 2005</u> Date	<u>Pamm Garwood</u> (Typed or printed name of person signing certification) <u>Pamm Garwood</u> Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: Obermiller et al.

Atty. Docket No.: PA-5213-CIP-CON

Serial No.: 10/721,582

Group Art Unit: 3738

Filed: November 25, 2003

Examiner: Javier G. Blanco

Title: IMPLANTABLE VASCULAR DEVICE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313

**TRANSMITTAL OF RESPONSE TO  
ELECTION/RESTRICTION REQUIREMENT**

SIR:

Please make of record the following papers relating to the above-identified application:

Response to Election/Restriction Requirement (2 pages)

**FEE FOR CLAIMS**

	Claims Remaining After Amendment	Highest Number Previously Paid For	No. Extra	Rate	Calculations
Total No. of Claims	13	20	0	x \$ 50 =	\$ 0.00
Independent Claims	6	6	0	x \$200 =	\$ 0.00
Multiple Dependent Claim(s), if applicable				+ \$360 =	N/A
				TOTAL FEE:	\$0.00

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PAGE 3/5 \* RCVD AT 1/31/2005 11:12:45 AM [Eastern Standard Time] \* SVR:USPTO-EFAXRF-1/2 \* DNIS:8729302 \* CSID:8123309049 \* DURATION (mm:ss):01:36

Serial No. 10/721,582


PATENT

Please address all correspondence to:

Charles W. Agnew  
Patent Agent  
P.O. Box 2269  
Bloomington, IN 47402-2269  
812-330-1824

Respectfully,

Date: Jan. 31, 2005



Agent for Applicants  
Charles W. Agnew  
Reg. No. 44,497

Customer Number

**9896**

(812) 330-1824 (phone)  
(812) 330-8049 (fax)

Page 2 of 2

Serial No. 10/721,582

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CERTIFICATE OF MAILING	
<p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313.</p>	
<p>Date: <u>January 31, 2005</u></p>	<p><u>Pamm Garwood</u> (Typed or printed name of person mailing paper or fee)</p> <p><u>Pamm Garwood</u> (Signature of person mailing paper or fee)</p>

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: Obermiller et al.

Atty. Docket No.: PA-5213-CIP-CON

Serial No.: 10/721,582

Group Art Unit: 3738

Filed: November 25, 2003

Examiner: Javier G. Blanco

Title: IMPLANTABLE VASCULAR DEVICE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313

SIR:

**RESPONSE TO ELECTION/RESTRICTION**  
**REQUIREMENT UNDER 35 U.S.C. §121**

In response to the Election/Restriction requirement under 35 U.S.C. § 121 in the Office Action of December 29, 2004, Applicant make the following election of species from each of the four groups identified by the Examiner. From the Valve Prosthesis group, Applicant elects species Species SR (FIGs. 48, 49) with traverse. From the 'Material' Group, Applicant elects Species A with traverse. From the 'Corners' group elects Species B (FIG. 9) with traverse. From the 'Attachment' Group, Applicant selects Species C with traverse.

Applicants regard each of claims 1-13 to be generic to each of the identified species of the 'Support Frame Material' and 'Corners' groups since the identified frame characteristics forming the basis of these species groupings are not particularly relevant to the methods by which the biomaterial is folded, wrapped,

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Serial No. 10/721,582

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attachment of the biomaterial to the frame is generic to all of species A through SR of the 'Valve Prosthesis' Group, with the exception of the integral frame embodiments, including Species Q (FIG. 44). Although the figures of the application most frequently depict the attachment of the material to the frame using sutures (FIG. 48 being one exception), the specification clearly supports the attachment of the material to itself using heat, pressure, welding cross-linking agents, and/or adhesives without the use of sutures (page 23, lines 15-19). One skilled in the art would readily appreciate that these techniques provide a suitable alternative to suturing for any of the prosthesis embodiments depicted in which a biomaterial is attached to a support structure. As such, Applicant regards the creation of these species groups as being unnecessary in order for the Examiner to conduct a reasonable search.

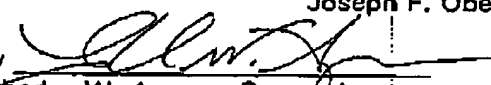
As for the 'Attachment' group, Claims 1, 7, and 13 are generic to each of Species A-D; Claim 2 is readable on Species A; Claims 3 and 11 are readable on Species B; Claims 4 and 8 are readable on Species C; and Claims 6, 9, and 12 are readable on Species D. Claims 5 and 10 are readable on Species C and D inasmuch that 'welding' can encompass both heat and pressure.

Although the foregoing discussion is believed to be dispositive of the issues in this case, Applicant's attorney requests a telephone interview with the Examiner should any unresolved issues remain after the Examiner's consideration of this response to the Election/Restriction requirement.

Respectfully submitted,

Dusan Pavcnik	Brian L. Bates
Frederick S. Keller	Christopher G. Dixon
Josef Rosch	Andrew K. Hoffa
Thomas A. Osborne	Raymond B. Leonard II
	Joseph F. Obermiller

Date: Jan. 31, 2005

By   
Charles W. Agnew, Patent Agent  
Reg. No. 44,497